

JUDGE GARDEPHE

11 CIV 5922

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APPALSEED PRODUCTIONS, INC.,
d/b/a APPALSONGS; CHARLES
LLOYD, INDIVIDUALLY, AND
D/B/A FOREST FARM MUSIC;
DARIUS BROOKS d/b/a FROM D's
PEN; DAVID HOFFNER D/B/A
FIELDS OF AUTUMN PUBLISHING
AND HOFFNER HAUS MUSIC; JOE
HILL MUSIC, LLC, d/b/a JOE HILL
MUSIC; LAURENCE WEISS d/b/a
RHINESTONE COWBOY MUSIC
CO.; MARK FARNER d/b/a CRAM
RENRAFF COMPANY; and R GANT
MUSIC GROUP, INCORPORATED,
d/b/a HELLO DARLIN' MUSIC,

Plaintiffs,

v.

MEDIANET DIGITAL, INC., and
ALAN MCGLADE, and STEPHEN
BARRACLOUGH,

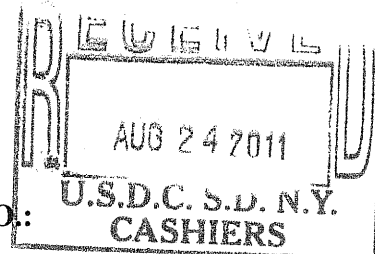
Defendants.

Plaintiffs, by their attorneys, Crosby & Higgins LLP, complaining of Defendants MediaNet Digital, Inc. (hereinafter referred to as "MediaNet"), Alan McGlade, and Stephen Barraclough (collectively, "Defendants"), allege on information and belief as follows:

I. INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the United States Copyright Act, 17 U.S.C. § 101, *et seq.* for copyright infringement, contributory copyright infringement, vicarious copyright infringement, injunctive relief, and to recover, at Plaintiffs' election, either actual or

INDEX NO.:



**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

statutory damages, plus discretionary costs, reasonable attorneys' fees and costs arising from Defendants' willful and systematic copyright infringement, and facilitation and contribution thereto, through MediaNet's business operations.

II. JURISDICTION & VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 1338(a). This Court has personal jurisdiction over Defendants. Defendants conduct continuous and systematic business in New York State and this District. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(c) and 1400(a), as Defendants and/or their agent may be found in this District, and because Defendants are subject to personal jurisdiction in the District.

III. PARTIES

3. Plaintiff Appalseed Productions, Inc., d/b/a Appalsongs is a Virginia corporation.

4. Plaintiff Charles Lloyd, individually and d/b/a Forest Farm Music is a citizen and resident of California.

5. Plaintiff Darius Brooks, d/b/a From D's Pen is a citizen and resident of Illinois.

6. Plaintiff David Hoffner, d/b/a Fields of Autumn Publishing and Hoffner Haus Music, is a citizen and resident of Tennessee.

7. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music is a North Carolina limited liability company.

8. Plaintiff Laurence Weiss, d/b/a Rhinestone Cowboy Music Co., is a citizen and resident of Tennessee.

9. Plaintiff Mark Farner, individually and d/b/a Cram Renraff Company is a citizen and resident of Michigan.

10. Plaintiff R Gant Music Group, Incorporated, d/b/a Hello Darlin' Music is a Tennessee corporation.

11. Upon information and belief Defendant MediaNet, Inc. is a Delaware corporation with its principal place of business in New York.

12. Upon information and belief, Stephen Barraclough is the current Chief Executive Officer of Defendant MediaNet.

13. Upon information and belief Defendant Alan McGlade is a resident of Connecticut and served as the Chief Executive Officer of Defendant MediaNet until December 2010.

14. In their capacity as officers of Defendant MediaNet, upon information and belief, Mr. McGlade and Mr. Barraclough supervised and otherwise directed the infringing activities of Defendant MediaNet and have derived substantial financial benefit from Defendant MediaNet's wrongful conduct.

IV. FACTUAL ALLEGATIONS

15. MediaNet was originally founded as MusicNet in 1999 to operate a subscription music service, which began operation in 2001. In the spring of 2005, it was acquired by Baker Capital, and in 2006 changed its name to MediaNet.

16. MediaNet provides and operates a proprietary technology platform that supports the digital delivery of music and other media. MediaNet advertises that its service delivers "a set of powerful music and media content capability including streams, downloads, media search, contextual matching and other media discovery tools to engage end users while keeping them on your website or application longer to maximize revenues."

17. MediaNet, at least in part, "licenses" its music catalog to third-party internet music

services for a fee. At different times throughout MediaNet's existence, said music catalog has been housed on either MediaNet's computer servers or copied onto its customers' computer servers.

18. In addition to providing music to third-parties, MediaNet either currently operates or previously operated an internet music subscription and non-subscription service known as "Performer Digital."

19. Performer Digital, in part, allows/allowed consumers to listen to the entire sound recording of a user-selected musical work via "On-Demand Streams," which is generally defined as on demand real time digital transmissions of sound recordings using so-called streaming technology.

20. Performer Digital, also in part, allows/allowed consumers, either during a free trial period or upon payment of a monthly fee to MediaNet, the ability to download an unlimited number of sound recordings of musical works from MediaNet's computer server(s) via "Limited Downloads" (aka "Tethered Download" or "Conditional Downloads"), which is generally defined as the making and distribution of sound recordings by digital transmission to local storage devices (*e.g.*, the hard drive of a user's computer or portable devices) via time limited or use limited downloads.

21. On information and belief, Limited Downloads remain on the consumer's computer hard drive as long as the free trial period is in effect or the subscriber pays/paid to MediaNet the monthly subscription fee.

22. Additionally, MediaNet allows users of its corporate website (located at www.mndigital.com) to purchase permanent digital copies of recorded music directly from MediaNet for \$0.99 per song (users can also purchase entire albums digitally directly from MediaNet).

23. MediaNet's customers operate a variety of different types of music services, including, but not limited to, subscription and non-subscription music services (similar to Performer Digital) as

well as so-called internet radio services.

24. MediaNet is not a “service provider” as defined by 17 U.S.C. § 512 and therefore not entitled to any of the safe harbor provisions of the Digital Millennium Copyright Act.

25. In order to lawfully transmit, perform, reproduce and deliver any sound recording of any musical work via “On-Demand Stream” or “Limited Download” on Performer Digital or its corporate website, MediaNet must have first obtained not only a license for each individual sound recording itself from the owner(s) of each sound recording, but also a separate license for the underlying musical composition which is embodied on each separate sound recording from the copyright owner of said musical composition.

26. Likewise, in order for any of MediaNet’s music service customers to lawfully transmit, perform, reproduce and deliver any sound recording of any musical work via “On-Demand Streams” or “Limited Downloads” from the MediaNet catalog, the licenses required by MediaNet, as stated in the preceding paragraph, must have been assignable to third parties.

27. The licenses for the underlying musical compositions embodied on each of the aforementioned sound recordings could have been obtained either via a voluntary license (with the consent of the copyright holder) or via a compulsory license, the method of which is set forth in 17 U.S.C. § 115 and related regulations of the Copyright Office.

28. However, pursuant to 17 U.S.C. § 115, failure to serve or file the notice required prior to distribution forecloses the possibility of a compulsory license and, in the absence of a negotiated (voluntary) license, renders the making and distribution of phonorecords actionable as acts of infringement.

29. A license obtained under the compulsory provision of the Copyright Act, being non-

exclusive in nature, is not assignable.

30. Plaintiff Appalseed Productions, Inc., d/b/a Appalsongs (hereinafter "Appalseed") is the sole legal or beneficial owner of the following musical work(s):

Title	Copyright Registration No.
"Ask Any Farmer"	PA 563-100
"Awful Hilly Daddy - Willie Trip"	PAu 1-232-993/PA 360-712
"Black Sea"	PA 563-198
"Calling All The Children Home"	PA 563-198
"Caught In The Crossfire"	PA 360-712/PAu 1-232-993
"Christmas In The Trenches"	PAu 656-099
"Claudette Colvin Goes to Work"	PA 1-344-765
"Closing The Bookstore"	PA 1-316-523
"Copper River Bounce"	PA 563-198
"Cup Of Coffee"	PA 563-100
"Dad's Got That Look"	PA 1-060-499
"Dead Man Walking"	PA 1-316-520
"Dearest Martha"	PA 360-712/PAu 1-232-993
"Each Season It's The Same"	PA 1-100-861
"Good Ol' Girls"	PA 1-344-752
"Grounded"	PA 1-060-492
"Half A World Away"	PA 1-100-861
"Happy Adoption Day"	PA 1-060-499

"Here On The Islands"	PA 1-100-861
"High Hearts"	PA 563-198
"Hours After"	PA 563-198
"If I Were A Featherbed"	PAu 656-099
"Immigrant"	PA 1-060-492
"Is My Family"	PA 1-060-499
"It's the Economy, Stupid"	PA 1-130-196
"Jericho"	PA 1-316-523
"Kindergarten Wall"	PAu 1-232-993
"Know When To Move"	PA 563-100
"La Mujer de Don Miguel"	PA 1-344-755
"Lament"	PAu 657-285
"Lefty's Bar Tonight"	PA 1-100-861
"Let's Keep It Straight"	PA 1-060-492
"Leviathan"	PA 563-100
"Little White Star"	PA 1-060-499
"Long Way Back To Georgia"	PAu 657-285
"Mending Fences"	PA 1-100-861
"Molly And The Whale"	PA 235-756
"Music In Your Hands"	PAu 657-285/PA 360-712
"No Mas!"	PAu 657-285

"No Turning Back Now"	PA 563-100
"Ode to Common Things"	PA 1-344-752
"Old Brown's Head Light"	PA 563-198
"Old Coat"	PA 1-100-861
"One Man's Trash"	PA 563-100
"One Strong Arm"	PAu 657-285
"One Thin Swimsuit"	PAu 657-285
"Our Flag Was Still There"	PA 1-060-497
"Own Backyard"	PA 1-060-492
"Phobias"	PA 1-060-499
"Road to Bangor"	PA 1-060-492
"Robbing Peter To Pay Paul"	PA 360-712/PAu 1-232-993
"Room At The Top Of The Stair"	PA 1-060-492
"Room Here For Another"	PA 563-100
"Sail Away"	PA 1-344-752
"Same Small Town"	PA 1-100-861
"Santiago"	PA 360-712/PAu 1-232-993
"She"	PA 1-100-861
"Si Se Puede"	PA 1-060-492
"Starlight"	PA 1-316-520
"Stone By Stone"	PA 563-100

"The Farmer Is The Woman"	PA 360-712/PAu 1-232-993
"The Heaven's Wake"	PA 1-060-492
"The Perseid"	PA 1-060-492
"The Pumpkin Man"	PA 360-712/PAu 1-232-993
"The Red Corvette"	PA 1-060-492
"The Silver Run"	PAu 657-285
"The Young Ones Don't Remember"	PA 360-712/PAu 1-232-993
"This Time Of Year"	PA 563-100
"Traveling In The Wilderness"	PA 1-060-499
"Water From Another Time"	PAu 657-285
"Watermelon"	PA 1-060-499
"We Shall Rise"	PA 1-100-861
"What It's Like"	PA 563-100
"Where Were You When"	PA 563-198
"Who'll Rock The Cradle"	PA 1-060-492
"Willie's Waltz"	PAu 656-099
"Wish You Goodnight"	PA 1-100-861
"Yesterday's Fools"	PA 563-198

31. Appalseed is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 30 hereof.

32. The musical works referenced in Paragraph 30 hereof have been registered with the United States Copyright Office.

33. Upon information and belief, without Appalseed's authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Appalseed's copyrighted musical work referenced in Paragraph 30 hereof:

Track	Artist	Album
Ask Any Farmer	John McCutcheon	What's It Like
Awful Hilly Daddy	John McCutcheon	Mail Myself To You Willie Trip
Black Sea	John McCutcheon	Live At Wolf Trap
Calling All the Children Home	John McCutcheon	Live At Wolf Trap
Calling All the Children Home	John McCutcheon	Supper's On The Table...
Caught In The Crossfire	John McCutcheon	Gonna Rise Again
Caught In The Crossfire	John McCutcheon	Water From Another Time
Christmas In The Trenches	George Hamilton IV	The Light Of The World
Christmas In The Trenches	John McCutcheon	Live At Wolf Trap
Christmas In The Trenches	John McCutcheon	Must Be Santa! The Rounder Christmas Album
Christmas In The Trenches	John McCutcheon	Water From Another Time
Christmas In The Trenches	John McCutcheon	Winter Solstice
Christmas In The Trenches	John McCutcheon	A Time To Remember
Christmas In The Trenches	John McCutcheon	Remembrance
Christmas In The Trenches	Robbie O'Connell	A Christmas Celtic Sojourn, Live
Closing The Bookstore	John McCutcheon	Supper's On The Table...

Closing The Bookstore	John McCutcheon	Storied Ground
Copper River Bounce/Money Musk	John McCutcheon	Live At Wolf Trap
Cup Of Coffee	John McCutcheon	What's It Like
Dad's Got That Look	John McCutcheon	Family Garden
Dead Man Walking	John McCutcheon	Supper's On The Table...
Dead Man Walking	John McCutcheon	Doing Our Job
Dearest Martha	John McCutcheon	Gonna Rise Again
Each Season It's the Same	John McCutcheon	Nothing to Lose
Feather Bed	Carawan Family	Home Brew: At Home In Tennessee
Featherbed	John McCutcheon	Water From Another Time
Grounded	John McCutcheon	Four Seasons: Spring Songs
Half A World Away	John McCutcheon	Between The Eclipse
Happy Adoption Day	John McCutcheon	Family Garden
Happy Adoption Day	John McCutcheon	Supper's On The Table...
Heaven's Wake	John McCutcheon	Sprout Wings And Fly
Here On The Islands	John McCutcheon	Nothing to Lose
High Hearts	John McCutcheon	Live At Wolf Trap
Hours After/Lonesome John/Reel A Bouche/ Leather Britches	John McCutcheon	Live At Wolf Trap
If I Were A Featherbed	John McCutcheon	The Wind That Shakes The Barley
If I Were A Featherbed	John McCutcheon	Signs Of The Times
Immigrant	John McCutcheon	Supper's On The Table...

Is My Family	John McCutcheon	Family Garden
Jericho	John McCutcheon	Supper's On The Table
Jericho	John McCutcheon	Storied Ground
Kindergarten Wall	John McCutcheon	Mail Myself To You
Kindergarten Wall	John McCutcheon	Water From Another Time
Know When To Move	John McCutcheon	What's It Like
Lament	John McCutcheon	Signs Of The Times
Lefty's Bar Tonight	John McCutcheon	Nothing To Lose
Let's Keep It Straight	John McCutcheon	Signs Of The Times
Leviathan	John McCutcheon	What's It Like
Leviathan	John McCutcheon	Supper's On The Table...
Little White Star	John McCutcheon	Family Garden
Long Way Back To	John McCutcheon	Gonna Rise Again Georgia
Mending Fences	John McCutcheon	Supper's On The Table...
Mending Fences	John McCutcheon	Between The Eclipse
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons Summersongs
Meteors/The Perseid	John McCutcheon	Supper's On The Table...
Molly And The Whale/Rubber Blubber Whale	John McCutcheon	Howjadoo
Music In Your Hands	John McCutcheon	Signs Of The Times
No Mas	John McCutcheon	Signs Of The Times
No Mas!	John McCutcheon	Water From Another Time

No Turning Back Now	John McCutcheon	What's It Like
Old Brown's Head Light	John McCutcheon	Live At Wolf Trap
Old Coat	John McCutcheon	Between The Eclipse
One Man's Trash	John McCutcheon	What's It Like
One Strong Arm	John McCutcheon	Water From Another Time
One Strong Arm	John McCutcheon	Signs Of The Times
One Thin Swimsuit	John McCutcheon	Signs Of The Times
Own Backyard	John McCutcheon	John McCutcheon's Four Seasons Summersongs
Phobias	John McCutcheon	Family Garden
Pumpkin Man	John McCutcheon	John McCutcheon's Four Seasons Summersongs
Road To Bangor/ Morrison's	John McCutcheon	Sprout Wings And Fly
Robbing Peter To Pay Paul	John McCutcheon	Step By Step
Room At The Top Of The Stair	John McCutcheon	Supper's On The Table...
Room Here For Another	John McCutcheon	What's It Like
Room Here For Another	John McCutcheon	The Homeless Project
Room Here For Another	Various Artists	Silverwolf Homeless Project - John McCutcheon
Same Small Town	John McCutcheon	Between The Eclipse
Santiago	John McCutcheon	Step By Step
She	John McCutcheon	Between The Eclipse
Si Se Puede	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Starlight	John McCutcheon	Supper's On The Table...

Starlight	John McCutcheon	Doing Our Job
Stone By Stone	John McCutcheon	What's It Like
The Farmer Is The Woman	John McCutcheon	Gonna Rise Again
The Red Corvette	John McCutcheon	Water From Another Time
The Young Ones Don't Remember	John McCutcheon	Gonna Rise Again
This Time of Year	John McCutcheon	What's It Like
Traveling In The Wilderness	John McCutcheon	Family Garden
Water From Another Time	John McCutcheon	Gonna Rise Again
Water From Another Time	John McCutcheon	Water From Another Time
Watermelon	John McCutcheon	Family Garden
We Shall Rise	John McCutcheon	Between The Eclipse
Welcome To The World/ Willie's Waltz	John McCutcheon	Signs Of The Times
What's It Like	John McCutcheon	What's It Like
Where Were You When	John McCutcheon	Live At Wolf Trap
Who'll Rock the Cradle	John McCutcheon	Supper's On The Table...
Who'll Rock the Cradle	John McCutcheon	Sprout Wings And Fly
Willie's Waltz	John McCutcheon	Winter Solstice
Wish You Goodnight	John McCutcheon	Nothing To Lose
Yesterday's Fools	John McCutcheon	Live At Wolf Trap
Yesterday's Fools	John McCutcheon	Raise the Roof- A Retrospective: Live from The Barns at Wolf Trap

34. Plaintiff Charles Lloyd, Individually and d/b/a Forest Farm Music (hereinafter

“Lloyd”), is the sole legal or beneficial owner of the following musical work(s):

Title	Copyright Registration No.
“A Different Journey”	EU 775710 / RE 563-316
“Autumn Prelude and Autumn Echo (from the suite “Autumn Sequence”)”	PAU 298-714
“Bird Flight”	EU 51966 / RE 741-257
“Blues For O.T.”	EU 842694
“Dervish Dance (from “Dream Weaver”)”	PAU 298-709
“European Fantasy”	PA 103-582
“Forest Flower”	EU 842694 / PA 105-705
“Goin’ To Memphis”	PAU 298-710
“Hej Da”	PA 103-583
“Island Blues”	EU 775704 / RE 563310
“Journey Within”	PA 103-584
“Karma”	PA 103-580
“Little Anahid’s Day” aka “Temple Bells” – “Lonesome Child”	EU 775702 / RE 563308
“Love Ship” aka “Dwija” –	EU 51973 / RE 741260
“Love Song To A Baby”	EU 842694
“Love-In” aka “Long Time Baby”	PA 103-578
“Mallet Dance”	EU 842694
“Manhattan Carousel”	PA 103-581
“Meditation”	EU 51961 / RE 741255

"Memphis Dues Again"	PA 103-579
"Memphis Green"	PA 103-586
"Passin' Thru"	EU 775703 / RE 563309
"Pre-Dawn"	PA 105-704
"Sombrero Sam"	EU 955550 / RE 668230
"Sun Yen Yen"	EU 775705 / RE 563311
"Sweet Georgia Bright"	EU 842694
"Tagore"	EU 51972 / RE 741-259
"The Vulture"	EU 775706 / RE 563312
"Tribal Dance"	PA 103-576
"Voice In The Night"	EU 775707 / RE 563313

35. Lloyd is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 34 hereof.

36. The musical works referenced in Paragraph 34 hereof have been registered with the United States Copyright Office.

37. Upon information and belief, without Lloyd's authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Lloyd's copyrighted musical work referenced in Paragraph 34 hereof:

Track	Artist	Album
A Different Journey	Chico Hamilton	A Different Kind of Journey

Autumn Sequence	Charles Lloyd	Dream Weaver
Bird Flight	Charles Lloyd	Dream Weaver
Blues for O.T.	Chico Hamilton	Man From Two Worlds
Dream Weaver: Meditation, Dervish Dance	Charles Lloyd	Dream Weaver
European Fantasy	Charles Lloyd	Charles Lloyd in Europe
Forest Flower	Burt Conrad	All Stars Forward Looking Backwards Radio Edits
Forest Flower	Charles Lloyd	Forest Flower: Charles Lloyd At Monterey
Forest Flower - Sunrise (Live At Monterey)	Various Artists	Atlantic Jazz: Introspection
Forest Flower - Sunset	Charles Lloyd	Forest Flower: Charles Lloyd At Monterey
Forest Flower '69	Charles Lloyd	Soundtrack
Forest Flower-Sunrise	Various Artist	NEA Jazz Masters
Goin' To Memphis/Island Blues	Charles Lloyd	The Flowering
Hej Da!	Charles Lloyd	Charles Lloyd in Europe
Island Blues	Chico Hamilton	A Different Kind Of Journey
Journey Within	Charles Lloyd	Journey Within
Karma	Charles Lloyd	Charles Lloyd In Europe
Lonesome Child	Chico Hamilton	Man From Two Worlds
Lonesome Child: Song/Dance	Charles Lloyd	Journey Within
Love In (Live Version)	Charles Lloyd	Love-In
Love Ship	Charles Lloyd	Dream Weaver

Love Song To A Baby	Charles Lloyd	Charles Lloyd In The Soviet Union
Love Song To A Baby	Chico Hamilton	Man From Two Worlds
Love-In/Island Blues	Charles Lloyd	The Flowering
Mallet Dance	Chico Hamilton	Man From Two Worlds
Manhattan Carousel	Charles Lloyd	Charles Lloyd In Europe
Memphis Dues Again/Island Blues (Live Version)	Charles Lloyd	Love-In
Memphis Green	Charles Lloyd	Journey Within
Passin' Thru	Chico Hamilton	Man From Two Worlds
Pre-Dawn	Charles Lloyd	Soundtrack
Sombrero Sam	Charles Lloyd	Dream Weaver
Sombrero Sam	Charles Lloyd	Soundtrack
Sun Yen Sen	Chico Hamilton	Transfusion
Sun Yen Sen	Chico Hamilton	A Different Kind of Journey
Sweet Georgia Bright	Charles Lloyd	Charles Lloyd in the Soviet Union
Tagore	Charles Lloyd	Charles Lloyd in Europe
Temple Bells (Live Version)	Charles Lloyd	Love-In
The Vulture	Chico Hamilton	A Different Kind Of Journey
Tribal Dance	Charles Lloyd	Charles Lloyd in the Soviet Union
Tribal Dance (Live Version)	Charles Lloyd	Love-In
Voice In The Night	Charles Lloyd	Soundtrack
Voice In The Night	Chico Hamilton	A Different Kind Of

		Journey
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38. Plaintiff Darius Brooks, an individual d/b/a From D's Pen Music (hereinafter "Brooks") is the sole legal or beneficial owner of the following musical works:

Title	Copyright Registration No.
"Your Will"	PA 1-202-948
"Amazing"	PA 1-202-946
"Dance"	PA 1-202-946
"Grace"	PA 026-918
"Healed Heart"	PA 1-202-946
"Hezekiah Mind"	PA 1-202-946
"High Lift Him"	PA 1-202-946
"I Had To Trust You"	PA 1-202-946
"I Like It"	PA 1-347-596
"Life Keep Living It"	PA 1-347-596
"Lock Down"	PA 026-918
"Lord I Believe"	PA 1-202-946
"Made To Love You"	PA 1-347-596
"My Love, My Life"	PA 1-347-596
"My Mind's Made Up"	PA 586-786
"No One But You"	PA 1-202-946
"Survivor"	PA 1-347-596

"Thank You"	PA 687-622
"To Make It Through"	PA 1-347-596
"Trust You More"	PA 1-373-346
"Your Will"	PA 1-202-948

39. Brooks is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 38 hereof.

40. The musical works referenced in Paragraph 38 hereof has been registered with the United States Copyright Office.

41. Upon information and belief, without Brooks' authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Brooks' copyrighted musical works referenced in Paragraph 38 hereof:

Track	Artist	Album
Your Will	Darius Brooks	Your Will
Amazing	Darius Brooks	Your Will
Dance	Darius Brooks	Your Will
Dance	Darius Brooks	I Had To Trust You
Grace	Darius Brooks	Your Will
Healed Heart	Darius Brooks	My Soul
Hezekiah Mind	Darius Brooks	Your Will
Hezekiah Mind	Darius Brooks	I Had To Trust You

High Lift Him	Darius Brooks	Your Will
High Lift Him	Darius Brooks	I Had To Trust You
I Had To Trust You	Darius Brooks	Your Will
I Like It	Darius Brooks	My Soul
Life Keep Living It	Darius Brooks	My Soul
Lock Down	Darius Brooks	Your Will
Lord I Believe	Darius Brooks	My Soul
Made To Love You	Darius Brooks	My Soul
My Love, My Life	Darius Brooks	My Soul
My Mind's Made Up	Darius Brooks	Your Will
My Mind's Made Up	The Thompson Community Singers	Darius Brooks Presents: The Reunion - Live In Chicago
No One But You	Darius Brooks	Your Will
No One But You	Darius Brooks	I Had To Trust You
Survivors	Darius Brooks	My Soul
Thank You	Darius Brooks	My Soul
To Make It Through	Darius Brooks	My Soul
Trust You More	Darius Brooks	My Soul
Your Will	Darius Brooks	Your Will
Amazing	Darius Brooks	Your Will
Dance	Darius Brooks	Your Will
Dance	Darius Brooks	I Had To Trust You

Grace	Darius Brooks	Your Will
Healed Heart	Darius Brooks	My Soul
Hezekiah Mind	Darius Brooks	Your Will

42. Plaintiff David Hoffner d/b/a Fields of Autumn Publishing and Hoffner Haus Music (hereinafter “Hoffner”) is joint owner of exclusive rights of the following musical works:

Title	Copyright Registration No.
“For The Rainy Days”	Pau 2-809-569
“Nightfall”	Pau 2-809-569
“Song From Lonesome Dove”	PA 908-334

43. Hoffner is the joint owner of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 42 hereof.

44. The musical works referenced in Paragraph 42 hereof has been registered with the United States Copyright Office.

45. Upon information and belief, without Hoffner’s authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via “On-Demand Streams” and “Limited Downloads” through the Performer Digital service referenced above and through their customers’ music services, the following sound recordings embodying Hoffner’s copyrighted musical works referenced in Paragraph 42 hereof:

Track	Artist	Album
For The Rainy Days	Silent Sound	Nightfall
Nightfall	Silent Sound	Nightfall
Song From Lonesome Dove	Michael Martin Murphey	Cowboy Songs vol. 4

46. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music (hereinafter referred to as “Joe Hill”) is the sole legal or beneficial owner of the following musical work(s):

Title	Copyright Registration No.
“Aragon Mill”	EU 424251 / RE 913-519 (aka “Belfast Mill”)
“Babysitter”	PAU 350-897
“By The Side Of The Road”	PAU 615-047
“Cotton Mill Blues”	EU 621626 / RE 913-523
Detroit December	PAU 312-457
“Friend & Companion”	PA 827-775
“Generations”	PAU 1-181-407
“Going Going Gone”	PAU 921-869
“Gone Gonna Rise Again”	EU 424245
“Government On Horseback”	PAU 344-367
“Here Is My Home”	PAU 615-047
“Lawrence Jones” – “Long Time Traveling, Long Time Friends” – PA 300-794	EU 522384
“Luray Women”	PAU 615-047
Mississippi Summer	PAU 344-367
“Nobody’s Body But Mine”	PAU 1-561-130
“People Like You”	PA 108-153
Rock Me, Roll Me	PAU 344-367

Rubber Blubber Whale	PAU 312-458
"Signs Of The Times"	PA 300-795
"Welcome To The World"	PAU 615-047
"What Will I Leave"	PAU 1-181-407
Wild Rose Of The Mountain	PAU 312-457

47. Joe Hill is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 46 hereof.

48. The musical works referenced in Paragraph 46 hereof have been registered with the United States Copyright Office.

49. Upon information and belief, without Joe Hill's authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Joe Hill's copyrighted musical work referenced in Paragraph 46 hereof:

Track	Artist	Album
Accidentals/Aragon Mill	Planxty	Words And Music
All My Trials / People Like You	Sharon Dresson McKnight	My Backyard
Aragon Mill	Charles Sawtelle	Music From Rancho Deville
Aragon Mill	Dolores Keane	Dolores Keane
Aragon Mill	Dry Branch Fire Squad	Tried & True
Aragon Mill	Dry Branch Fire Squad	Live! At Last
Aragon Mill	Hazel Dickens	Hard Hitting Songs For Hard Hit People

Aragon Mill	Jane Sapp	Carry It On
Aragon Mill	Pete Seeger	Carry It On: Songs Of America's Working People
Aragon Mill	Rosalie Sorrels	The Long Memory
Aragon Mill	Si Kahn	New Wood
Aragon Mill	Si Kahn	In My Heart: Live In Holland
Aragon Mill	Skip Heller	Mean Things Happen In This Land
Babysitter	John McCutcheon	Howjadoo
Belfast Mill	Dublin City Ramblers	Irish Folk Heroes
Belfast Mill	Sean Talamh	Traditional Irish Music
Belfast Mill	Various Artists	Classic Irish Folk, Volume 1
By The Side Of The Road	John McCutcheon	Signs of the Times
Cotton Mill Blues	Anne Price	Hearth & Fire
Detroit, December	John McCutcheon	Winter Solstice
Friend And Companion	John McCutcheon	Signs of the Times
Generations	Sally Rogers	Generations
Generations	Si Kahn	I'll Be There
Going, Going, Gone	John McCutcheon	Live at Wolf Trap
Going, Going, Gone	Si Kahn	I Have Seen Freedom
Gone Gonna Rise Again	John McCutcheon	Gonna Rise Again
Gone Gonna Rise Again	Si Kahn	New Wood
Gone Gonna Rise Again	Si Kahn	In My Heart: Live In Holland
Gone Gonna Rise Again	The Gordons	Time Will Tell Our Story

Government On Horseback	John McCutcheon	Signs of the Times
Here Is My Home	John McCutcheon	Signs of the Times
Lawrence Jones	Lawrence Jones	Harlan County USA: Songs Of The Coal Miner's Struggle
Lawrence Jones	Phyllis Boyens	Coal Mining Women
Lawrence Jones	Si Kahn	New Wood
Long Time Traveling/Long Time Friends	John McCutcheon	Signs of the Times
Luray Women	Mary Sue Twohy	The Risk Involved
Mississippi	Oyster Band	Freedom And Rain
Mississippi Summer	Si Kahn	In My Heart: Live In Holland
Molly And The Whale/ Rubber Blubber Whale	John McCutcheon	Howjadoo
Nobody's Body But Mine	Cathy Fink	Voice On The Wind
Nobody's Body But Mine	Si Kahn	I Have Seen Freedom
Rubber Blubber Whale	Ellen Edson	Family Fare: Folk Songs for Children and Their Families
Rubber Blubber Whale	John McCutcheon	Water From Another Time
Signs of the Times	John McCutcheon	Signs of the Times
Welcome To The World / Willie's Waltz	John McCutcheon	Signs of the Times
What Will I Leave Behind	Charlie Bernhardt	A Bridge Between Two Worlds
Wild Rose Of The Mountain	Blue Rose	Blue Rose
Wild Rose Of The Mountain	Si Kahn	In My Heart: Live In Holland
Wild Rose Of The Mountain	The Hackensaw Boys	Give It Back
Wild Rose Of The	John McCutcheon	Water From Another Time/

Mountain		Wild Rose Of The Mountain
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50. Plaintiff Laurence Weiss, Individually and d/b/a Rhinestone Cowboy Music Co. (hereinafter “Weiss”) is the sole legal or beneficial owner of the following musical work:

Title	Copyright Registration No.
“Your Baby Doesn’t Love You Anymore”	EU 881000

51. Weiss is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 50 hereof.

52. The musical work referenced in Paragraph 50 hereof has been registered with the United States Copyright Office.

53. Upon information and belief, without Weiss’ authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via “On-Demand Streams” and “Limited Downloads” through the Performer Digital service referenced above and through their customers’ music services, the following sound recordings embodying Weiss’ copyrighted musical work referenced in Paragraph 50 hereof:

Track	Artist	Album
Your Baby Doesn’t Love You Anymore	The Carpenters	Carpenters Gold: 35th Anniversary Edition
Your Baby Doesn’t Love You Anymore	The Carpenters	Voice Of The Heart

54. Plaintiff Mark Farner, Individually and d/b/a Cram Renraff Company (hereinafter “Farner”) is the sole legal or beneficial owner of the following musical work(s):

Title	Copyright Registration No.
“Ain’t Gonna Be Their Fool No More” (aka Creepin’)	EU 418974

"Borderline"	PAU 512-380
"Destitute & Losin"	PA 1-013-477
"Don't Lie To Me"	PAU 437-783
"El Salvador"	PAU 437-781
"Greed of Man (Tell Me)"	PA 119-377
"Innocent"	PAU 512-379
"Stuck In The Middle"	PA 119-378

55. Farner is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 53 hereof.

56. The musical works referenced in Paragraph 53 hereof has been registered with the United States Copyright Office.

57. Upon information and belief, without Farner's authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Farner's copyrighted musical work referenced in Paragraph 53 hereof:

Track	Artist	Album
Borderline	Grand Funk Railroad	What's Funk
Creepin'	Grand Funk Railroad	30 Years of Funk: 1969-1999
Creepin'	Grand Funk Railroad	We're An American Band
Destitute & Losin'	Grand Funk Railroad	Shinin' On
Destitute & Losin' (Previously Unreleased)	Grand Funk	30 Years of Funk: 1969-1999

Don't Lie To Me	Grand Funk Railroad	What's Funk
El Salvador	Grand Funk Railroad	What's Funk
Greed of Man	Grand Funk Railroad	Grand Funk Lives
Innocent	Grand Funk Railroad	What's Funk
Stuck In The Middle	Grand Funk Railroad	Grand Funk Lives

58. Plaintiff R Gant Music Group Incorporated, d/b/a Hello Darlin' Music (hereinafter "Gant") is the sole legal or beneficial owner of the following musical work(s):

Title	Copyright Registration No.
"Fifteen Years Ago"	EU 142111 / EP 285705
"Fifteen Years Going Up (And One Night Coming Down)"	PA 216-276
"When She Cries" (aka She Needs Someone To Hold Her When She Cries)	EP 304-925

59. Gant is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 58 hereof.

60. The musical works referenced in Paragraph 58 hereof has been registered with the United States Copyright Office.

61. Upon information and belief, without Gant's authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via "On-Demand Streams" and "Limited Downloads" through the Performer Digital service referenced above and through their customers' music services, the following sound recordings embodying Gant's copyrighted musical work referenced in Paragraph 58 hereof:

Track	Artist	Album
Fifteen Years Ago	Conway Twitty	Gold
Fifteen Years Ago	The Statler Brothers	Bed of Roses
Fifteen Years Ago	Conway Twitty	The Conway Twitty Collection
Fifteen Years Ago	Daryle Singletary	Straight From The Heart
Fifteen Years Ago	Conway Twitty	16 Biggest Hits
Fifteen Years Ago	Conway Twitty	The #1 Hits Collection
Fifteen Years Ago	Conway Twitty	Super Hits
Fifteen Years Ago	Conway Twitty	20th Century Masters: The Millennium Collection: Best Of Conway Twitty, Volume 2
Fifteen Years Going Up (And George Strait One Night Coming Down)	Conway Twitty	Chronicles
She Needs Someone To Hold Her	Conway Twitty	16 Biggest Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Gold
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Greatest Hits, Vol. II
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The #1 Hits Collection
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Sings Songs Of Love
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Super Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The Conway Twitty Collection

62. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music, and Plaintiff Appalseed Productions, Inc., d/b/a Appalsongs (hereinafter collectively referred to as “Joe Hill and Appalseed”) are jointly the sole legal or beneficial owners of the following musical work(s):

Title	Copyright Registration No.
“April Fool”	PA 1-013-508
“Baseball On The Block”	PA 607-585, PA 683-888/PA 1-060-501
“Bigger Than Yourself”	PA-1-060-496
“Bird Dog”	PA 934-926/PA 1-060-500
“Campfire”	PA 934-926/PA 1-060-500
“Camping In The Wilderness”	PA 871-170
“Dad & Me”	PA 871-170
“Dark Haired Woman”	PA 735-042
“Dogs Life”	PA 1-013-508
“Family Garden”	PA 607-585, PA 683-888/PA 1-060-501
“Family Revival”	PA 607-585, PA 683-888/PA 1-060-501
“Fishin”	PA 1-013-508
“Friends Don’t Let Friends”	PA-1-060-496
“Friendship”	PA-1-060-496
“Frog On A Log”	PA 1-013-508
“Ghosts of The Good Old Days”	PA 1-060-494
“Going To The Prom”	PA 1-013-508
“Haircut”	PA 871-170

"Halloween"	PA 934-926/PA 1-060-500
"Happened to Me"	PA 735-042
"Hope I Can Make It"	PA 1-013-508
"How Many People"	PA 607-585, PA 683-888/PA 1-060-501
"I Got A Dime"	PA-1-060-496
"I Love Summer"	PA 871-170
"Ice Cream Man"	PA 871-170
"If I Ran The World"	PA 607-585, PA 683-888/PA 1-060-501
"Imaginary Friend"	PA 607-585, PA 683-888/PA 1-060-501
"It's Fall"	PA 934-926/PA 1-060-500
"Junk Mail"	PA 1-013-508
"Kid Who Hates Summer"	PA 871-170
"Kids On Strike"	PA-1-060-496
"Labor Day"	PA 934-926/PA 1-060-500
"Leftovers"	PA 791-592
"Losers Like You"	PA 791-592
"Meteors"	PA 871-170
"Mud"	PA 871-170
"My Old Man"	PA 791-591
"Natural Disaster"	PA 934-926/PA 1-060-500
"New Kid In School"	PA 934-926/PA 1-060-500

"Nothing To Lose"	PA 791-592
"Paint Me A Picture"	PA 791-592
"Play Fair"	PA-1-060-496
"Power Mower"	PA 871-170
"Riding My Bike"	PA 871-170
"Running For President"	PA-1-060-496
"S'posed to Do"	PA 735-042
"Safe at Home"	PA-1-060-496
"Sing Me"	PA-1-060-496
"Snow In April"	PA 1-013-508
"Someone Else Decide"	PA-1-060-496
"Soup"	PA 791-624
"Spring Cleaning"	PA 1-013-508
"Spring Fever"	PA 1-013-508
"Stick Together"	PA-1-060-496
"Still The Ones For Me"	PA-1-060-496
"Summer Is a-Comin'"	PA 1-013-508/PA 1-060-494
"Swimming Hole"	PA 871-170
"Thanksgiving Day"	PA 934-926/PA 1-060-500
"The Principle"	PA-1-060-496, PA-1-090-246
"The Way It's Supposed To Be"	PA 791-592
"Walk On"	PA 791-592

“Whatchagonnabe”	PA-1-060-496
“Woman Like You”	PA 735-043/PA 1-060-494
“World Series ‘57”	PA 934-926/PA 1-060-500
“Write It Down”	PA-1-060-496

63. Joe Hill and Appalseed are the exclusive holders of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 62 hereof.

64. The musical works referenced in Paragraph 62 hereof have been registered with the United States Copyright Office.

65. Upon information and belief, without Joe Hill’s and/or Appalseed’s authorization or permission, Defendants have copied, displayed, performed and distributed to their customers and to the public, via “On-Demand Streams” and “Limited Downloads” through the Performer Digital service referenced above and through their customers’ music services, the following sound recordings embodying Joe Hill’s and Appalseed’s copyrighted musical work referenced in Paragraph 62 hereof:

Track	Artist	Album
April Fool	John McCutcheon	Four Seasons: Springsongs...
Baseball On The Block	John McCutcheon	Family Garden
Bigger Than Yourself	John McCutcheon	Bigger Than Yourself
Bird Dog	John McCutcheon	John McCutcheon’s Four Seasons: Autumnsongs
Campfire	John McCutcheon	John McCutcheon’s Four Seasons: Autumnsongs

Camping In The Wilderness	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Colors	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Dad & Me	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Dark-Haired Woman	John McCutcheon	Between The Eclipse
Dog's Life	John McCutcheon	Four Seasons: Springsongs...
Family Garden	John McCutcheon	Family Garden
Family Revival	John McCutcheon	Family Garden
Fishin'	John McCutcheon	Four Seasons: Springsongs
Friendship	John McCutcheon	Bigger Than Yourself
Frog On A Log	John McCutcheon	Four Seasons: Springsongs...
Ghosts of the Good Old Days	John McCutcheon	The Greatest Story Never Told
Ghosts of the Good Old Days	John McCutcheon	These Times We're Living In: a Red House Anthology
Going To The Prom	John McCutcheon	Four Seasons: Springsongs...
Haircut	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Halloween	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Happened To Me	John McCutcheon	Between The Eclipse
Hope I Make It	John McCutcheon	Four Seasons: Springsongs...

How Many People	John McCutcheon	Family Garden
I Got A Dime	John McCutcheon	Bigger Than Yourself
I Love Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Ice-Cream Man	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
If I Ran The World	John McCutcheon	Family Garden
If I Ran The World	John McCutcheon	Bright Spaces: Children's Music To Benefit The Homeless
Imaginary Friend	John McCutcheon	Family Garden
It's Fall	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Junk Mail	John McCutcheon	Four Seasons: Springsongs...
Kid Who Hates Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Kids On Strike	John McCutcheon	Bigger Than Yourself
Labor Day	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Labor Day	John McCutcheon	Supper's On The Table...
Leftovers	John McCutcheon	Nothing To Lose
Losers Like You	John McCutcheon	Nothing To Lose
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Meteors/The Perseid	John McCutcheon	Supper's On The Table...

Mud	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
My Old Man	John McCutcheon	Nothing To Lose
Natural Disaster	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
New Kid In School	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Nothing To Lose	John McCutcheon	Nothing To Lose
Paint Me A Picture	John McCutcheon	Nothing To Lose
Play Fair	John McCutcheon	Bigger Than Yourself
Power Mower	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Riding My Bike	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Running For President	John McCutcheon	Bigger Than Yourself
Safe At Home	John McCutcheon	Bigger Than Yourself
Sing Me	John McCutcheon	Bigger Than Yourself
Snow In April	John McCutcheon	Four Seasons: Springsongs...
Snow In April	John McCutcheon	Supper's On The Table...
Someone Else Decide	John McCutcheon	Bigger Than Yourself
Soup	John McCutcheon	Supper's On The Table...
Soup	Hot Soup	Soup Happens
Soup	John McCutcheon	Wintersongs
S'posed To Do	John McCutcheon	Between The Eclipse

Spring Cleaning	John McCutcheon	Four Seasons: Singsongs...
Spring Fever	John McCutcheon	Four Seasons: Singsongs...
Stick Together	John McCutcheon	Bigger Than Yourself
Still The Ones For Me	John McCutcheon	Bigger Than Yourself
Summer Is A-Coming	John McCutcheon	Four Seasons: Singsongs...
Swimming Hole	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Thanksgiving Day	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
The Principle	John McCutcheon	Bigger Than Yourself
The Principle	John McCutcheon	Supper's On The Table...
Walk On	John McCutcheon	Nothing To Lose
Way It's Supposed To Be	John McCutcheon	Nothing To Lose
Whatchagonnabe	John McCutcheon	Bigger Than Yourself
Woman Like You	John McCutcheon	Between The Eclipse
World Series '57	John McCutcheon	John McCutcheon's Four Seasons Autumnsongs
Write It Down	John McCutcheon	Bigger Than Yourself

66. Defendants did not seek or obtain permission or authorization from Plaintiffs prior to copying Plaintiffs' copyrighted works onto MediaNet's computer server(s), making said works available on MediaNet's music service and distributing said works through its customers and ultimately to the general public.

67. Defendants continue to copy, display, perform and distribute additional sound recordings embodying Plaintiffs' copyrighted musical compositions, without Plaintiffs' authorization or permission, thereby further infringing Plaintiffs' exclusive rights.

68. Defendants had knowledge at the time it copied, displayed, performed and distributed recordings embodying Plaintiffs' copyrighted musical compositions, that Defendants were required to obtain authorization via a license from Plaintiffs or procure the aforementioned statutory compulsory license prior to any use of Plaintiffs' copyrighted musical compositions.

69. Defendants further had knowledge that they are barred from obtaining a statutory compulsory license, having failed to send proper notice prior to distribution.

70. Defendants have made the recordings embodying Plaintiffs' copyrighted musical compositions available to MediaNet's customers and the general public without any compensation to Plaintiffs.

71. Absent a license to transmit, perform, reproduce and deliver the musical compositions embodied on each specific sound recording in the MediaNet catalog that is or has been distributed via Performer Digital, the MediaNet corporate website or otherwise via "license" from MediaNet to its customers, each such transmission, performance, reproduction and delivery constitutes copyright infringement.

72. Absent an assignable license to transmit, perform, reproduce and deliver the musical compositions embodied on each specific sound recording in the MediaNet catalog, not only MediaNet, but each of MediaNet's customers who have subsequently transmitted, performed, reproduced and delivered said musical composition have also committed copyright infringement.

73. MediaNet and its customers, having no license (voluntary or compulsory) from

Plaintiffs for the use of their copyrighted musical works as described herein, have committed copyright infringement.

74. Defendants have knowledge that infringing activities are taking place through MediaNet's business dealings and method of operation.

75. Defendants have further facilitated, encouraged and contributed to MediaNet's customers' infringement of Plaintiffs' copyrighted musical compositions through Performer Digital and its customers' internet music services, all as generally described herein.

76. Defendants have derived direct and substantial financial benefits from the infringements of Plaintiffs' copyrighted musical compositions by MediaNet's customers. By allowing the infringing activities of its customers, MediaNet earns a fee or percentage of revenue from its customers' infringing activities.

77. MediaNet has the ability to control the infringement of Plaintiffs' copyrighted musical compositions by its customers and their users/subscribers.

78. Alan McGlade and Stephen Barracough have/had the ability to control the infringement of Plaintiffs' copyrighted musical compositions by MediaNet's customers and their users/subscribers.

79. MediaNet's infringements of Plaintiffs' copyrighted musical works, and the infringements of MediaNet's customers, has been a continuing infringement, dating back in some instances to the initial launch in 2001.

V. CAUSES OF ACTION

FIRST JOINT CAUSE OF ACTION (Copyright Infringement Against All Defendants)

80. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 79 above.

81. Each instance whereby each separate sound recording embodying a copyrighted musical composition owned by Plaintiffs was copied, displayed, performed and/or distributed by MediaNet constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*

82. Each of Defendants' acts of copyright infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

83. Plaintiffs have suffered economic damage and irreparable harm as a result of Defendants' continuing acts of infringement, and unless and until Defendants' conduct is enjoined by this Court, Defendants will continue to cause irreparable injury that cannot fully be compensated for or measured in money, and Plaintiffs are accordingly entitled to an injunction pursuant to 17 U.S.C. § 502 prohibiting further infringement of their exclusive rights under the Copyright Act.

84. Plaintiffs are entitled to, at their election, either their actual damages and Defendants' profits from the infringing activities described herein, or, in the alternative, statutory damages pursuant to 17 U.S.C. § 101, *et seq.*

85. Plaintiffs are further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

**SECOND JOINT CAUSE OF ACTION
(Contributory Copyright Infringement Against All Defendants)**

86. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 79 above.

87. Defendants' customers and its customers' users/subscribers are actively infringing Plaintiff's copyrighted musical compositions, as set forth herein, which infringes upon Plaintiffs' exclusive rights secured by 17 U.S.C. § 106.

88. Defendants have explicit and constructive knowledge that said infringements are taking place and actively induces, facilitates, causes and materially contributes to said infringements.

89. As a result of the foregoing, Defendants are liable for contributorily infringing Plaintiffs' copyrighted musical compositions, in violation of Sections 106 and 501 of the Copyright Act.

90. Each instance whereby each separate sound recording embodying a copyrighted musical composition owned by Plaintiffs was copied, displayed, performed and/or distributed by MediaNet's customers or its customers' users/subscribers, constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*, for which Defendants are liable.

91. Each act of copyright infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

92. Plaintiffs have suffered economic damage and irreparable harm as a result of the continuing acts of infringement referenced herein, and unless and until Defendants' conduct is enjoined by this Court, Defendants will continue to cause irreparable injury that cannot fully be compensated for or measured in money, and Plaintiffs are accordingly entitled to an injunction pursuant to 17 U.S.C. § 502 prohibiting further infringement of their exclusive rights under the

Copyright Act.

93. Plaintiffs are entitled to, at their election, either their actual damages and Defendants' profits from the infringing activities described herein, or, in the alternative, statutory damages pursuant to 17 U.S.C. § 101, *et seq.*

94. Plaintiffs are further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

**THIRD JOINT CAUSE OF ACTION
(Vicarious Copyright Infringement Against All Defendants)**

95. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 79 above.

96. Defendants Alan McGlade and Stephen Barraclough are officers of MediaNet.

97. Specifically, Alan McGlade served as Chief Executive Officer until in or about December 2010 and Stephen Barraclough currently serves as Chief Executive Officer.

98. Defendants' customers and their users/subscribers are actively infringing Plaintiffs' copyrighted musical compositions, as set forth herein, which infringes upon Plaintiffs' exclusive rights secured by 17 U.S.C. § 106.

99. Defendants have derived direct and substantial financial benefits from the infringements of Plaintiffs' copyrighted musical compositions by their customers and their users/subscribers, as described herein.

100. Defendants have the legal right and actual ability to supervise, control and prevent the infringing activities that occur through their customers' services, but have failed and or refused to exercise any control over the infringing activities.

101. As a result of the foregoing, Defendants are liable for vicariously infringing

Plaintiffs' copyrighted musical compositions, in violation of Sections 106 and 501 of the Copyright Act.

102. Each instance whereby each separate sound recording embodying a copyrighted musical composition owned by Plaintiffs was copied, displayed, performed and/or distributed by MediaNet's customers or their users/subscribers constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*, for which Defendants are liable.

103. Each act of infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

104. Plaintiffs have suffered economic damage and irreparable harm as a result of the continuing acts of infringement referenced herein, and unless and until Defendants' conduct is enjoined by this Court, Defendants will continue to cause irreparable injury that cannot fully be compensated for or measured in money, and Plaintiffs are accordingly entitled to an injunction pursuant to 17 U.S.C. § 502 prohibiting further infringement of their exclusive rights under the Copyright Act.

105. Plaintiffs are entitled to, at their election, either their actual damages and Defendants' profits from the infringing activities described herein, or, in the alternative, statutory damages pursuant to 17 U.S.C. § 101, *et seq.*

106. Plaintiffs are further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment against the Defendants as follows:

1. On all Counts, for such equitable relief as is necessary to prevent or restrain infringement of Plaintiffs' copyrights, including a permanent injunction requiring that Defendants and their agents, servants, employees, officers, directors, attorneys, successors, assigns, licensees, and all others in active concert or participation with any of them cease infringing, or causing, aiding, enabling, facilitating, encouraging, promoting, inducing, or materially contributing to or participating in the infringement of any of Plaintiffs' copyrights or exclusive rights protected by the Copyright Act or common law (whether now in existence or hereafter created), including, without limitation, the compositions referenced on the Exhibits attached hereto;

2. On Counts I, II, and III an award to Plaintiffs, at their election, of either (i) actual damages and profits derived by Defendants as a result of the infringing activities described herein, pursuant to 17 U.S.C. § 504(b); or (ii) statutory damages in the maximum amount of \$150,000 per each act of infringement of Plaintiffs' copyrighted works, pursuant to 17 U.S.C. § 504(c);

3. For Plaintiffs' attorneys' fees;

4. Discretionary costs; and

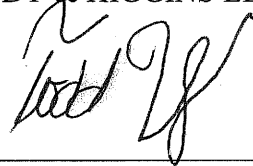
5. For such other and further relief as this Court deems appropriate.

6. Plaintiffs demand a jury trial.

Dated: August 24, 2011
New York, NY

Respectfully Submitted,

CROSBY & HIGGINS LLP



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